



VICTOR PARK DISTRICT

Jim Webb, Chairman
Gene Buroker
Anita Drewien
Ann Hayman
Dave Meadow

PO Box 945 Victor, MT 59875

November 6, 2007

William J. Clark, President
Victor Youth Athletics, Inc.
P. O. Box 264
Victor, MT 59875

RECEIVED

COPY

NOV 07 2007

Ravalli County Commissioners

--	--	--	--	--

Dear Bill:

This letter is to advise Victor Youth Athletics of safety and other issues at Victor Ball Field. These matters were discussed at our regular park district board meeting held on September 25th. Contrary to the statement in your November 1st letter, we did have our regularly scheduled meeting on September 25th. The meeting information is in the Ravalli Republic government calendar each month and posters are placed around Victor about the meeting date and time. In addition, the September meeting date and time was listed on the agenda at the August 28th meeting that you and other VYA board members attended.

Several weeks ago, Dave Meadow and Ann Hayman met with Del Reynolds, President of the Bitterroot Red Sox American Legion Baseball, at Victor ball field. Mr. Reynolds toured the facility and then offered his comments regarding several safety issues requiring immediate attention.

In view of these safety issues and the Board's concern about children playing baseball in a safe environment, we are doing the following:

1. We have contracted to fence the entire property line of the ball field. At a Park Board meeting held on September 24, 1996, Commissioner Jerry Allen made a motion that the Park Board lease the property to Victor Youth Athletics with the stipulation that the property line be fenced with Park Board approval (see attached minutes). The fencing was not completed by Victor Youth Athletics. VYA received \$39,243.00 from

Ravalli County Park Board in 1996 for fencing and backstops. Our Board is in agreement that the property line must be fenced.

2. The electric meter box and well pump are going to be enclosed and fenced with privacy slats and will be locked.
3. There is water under one corner of the storage shed. Therefore, the shed is going to be moved into the same fenced area as the meter box and well pump. The water issue will need to be investigated and repaired.

These are the most pressing safety issues at this time and will cost Victor Park District approximately \$10,000 to complete. The fencing is scheduled to begin November 7th.

In addition, our Board has transferred Northwestern Energy account number 0928290-6 into our name effective as of August 29th (the last meter reading). We are assuming full responsibility for payment on this account.

Victor Park District appreciates the work and maintenance that your organization has done this summer utilizing the donation of \$9,000 in public funds. Safety of the ball field facility continues to be our primary goal and we hope you agree that the above-outlined issues need immediate attention.

If you have any questions, please contact me.

Sincerely,

VICTOR PARK DISTRICT

David Meadow for Jim Webb

Jim Webb, Chairman
enclosure

cc: George Corn, Ravalli County Attorney
Alex Beal, Deputy County Attorney
Ravalli County Commissioners
Dave Markette, Esq.

PARK BOARD MEETING
SEPTEMBER 24, 1996

BOARD MEMBERS PRESENT:

Commissioner Jerry L. Allen
Commissioner "Smut" Warren
Don Dobberstein
Kermit Lange
Forest Hayes
Al Olsen

PERSONNEL PRESENT:

County Attorney, George Corn
Glenda Wiles - Minutes

GUESTS PRESENT:

Carlotta Grandstaff
Rick McCartney
Rosie Huckstadt
Nadine Greene
Jay Green
Dick Green

Kermit Lange, Chairman of the Park Board called the meeting to order and asked George Corn his opinion on monies given to parks within the city jurisdiction and the Silverbow dedicated park.

George Corn reiterated the question the Park Board had asked him:

Whether the Park Board can give park land or else give lease ground to the Booster Club(VYA). George indicated it appears they do in fact have to authority to lease to a private group, however more research needed to be done.

If cash in lieu of park money that was put into the account prior to the change in legislation could be spent on parks inside the city limits. George indicated he could not find that particular statute for the cash in lieu and he needed to do more research.

Can the park Board give money to a private park, i.e., the Garden Club in Victor. George indicated if it was to help pay the liability insurance, and he would double check any other money going into the private park.



Al Olsen brought up the fact that if it was within the law, then it would be better for the Park Board to pay the \$600.00 per year

liability insurance rather than have the County be responsible for the Park itself (i.e., maintenance etc.)

Commissioner Allen indicated there was no other park in Victor, and it was important to keep the park there. However, he felt the community should help out in that regard.

Commissioner Allen asked Rick McCartney to present what he had been asked to bring back to the Park Board. Rick indicated they had a Board of Directors, (see attachment) and all Board members represented the community of Victor in that they were involved in other Victor area sports.

Rick presented the project cost and donations (see attachment), and indicated there was lots of private support and at least \$100,00.00 in labor and donated materials.

Rick also presented a drawing of the proposed field, indicating the existing drainage was accurately drawn.

Al Olsen asked about the fill requirement. Rick indicated he has not gotten the topography report as of yet, but most of the fill will be on the north side which will be about 5', totaling about 180 yards. Rick also indicated there were four or five trees that would need to come out, and there was a brush pile of alders that needed to come out. The rest of the trees were in the existing drainage.

Commissioner Allen asked Don if there were any more neighbors against the project. Don indicated he had not heard of any one.

Nadine Greene spoke up indicating she was a property owner to the east of the project and they want a 150' easement granted to them. Jay Greene advised the Board they wanted the easement in writing, as they did not want any kids near their resident. Jay also stated that the 5' fill area was a swamp and flows for six months out of the year. Jay further advised the Board that if they did not give him an easement he would take the matter to court.

Rick relayed to the Board that they would not touch the 10-11 foot elevation in the swamp area, in other words they would not develop it.

Dick Green asked about the two lots to the south of the proposed athletic field. No response was noted.

Park Board Member, Don Dobberstein advised Jay Greene that he knew there was dedicated park ground in that subdivision when he purchased his residential property, and this piece of ground was planned for a future park area.

Jay Greene stated that this whole subdivision was started when Fritz was a Commissioner, and that he wanted the 150' easement.

Mr. Greene also indicated that he had been taking care of the undeveloped ground that bordered his property, mowing it etc., and that it looked very nice.

Commissioner Allen advised those present that this proposed park needed to be developed as Victor needed the park ground.

Jay Greene asked about the entrance and exit onto Highway 93, about a possible turn around, and the large trucks that come and go from Nevill's Log Home.

Rick advised him that many of the functions will be after working hours and on the weekends, and yes, traffic did exist.

Commissioner Allen asked Rick about the plans to fence the athletic field. Rick relayed they had not planed to do the whole perimeter, just the fields, and the bottom field is 5-6' below Highway 93, which would help the perimeter security.

Dick Green asked about the wild game in the area, and if they had given any consideration to the impact of developing this 7.7 acres.

Rick relayed there were not disturbing the drainage and vegetation in the swamp area, and they would not disturb the wild life any more than the subdivision did when it was developed ten years ago. Rick indicated that since this was already county dedicated park ground, it was the perfect utilization of the area, and the kids needed these sports activities, rather than other activities they would get into when they have nothing to do.

Jay Greene complained that there would be a large group of people and kids to contend with, and they would leave litter every where. He also complained that they would ruin the creek area. Rick indicated that the Baseball Association will maintain the grounds and clean up the litter. Rick also indicated that they would not disturb the existing drainage, just clean it so the water flows and rock it after the clean up.

Jay Greene admitted that it was an admirable plan but demanded that he be given the 150' easement from his house to the park area.

Forest Hayes commented that it bothered him that Mr. Greene did not want anyone playing there, and that he would have reservations in giving Mr. Greene an easement as this is public land. Forest indicated he might be willing to put a condition in the development not to build on the strip of land that is next to Mr. Greene's property since it is a swamp area, but he reiterated he did not want to give Mr. Green the easement. Forest also felt strongly about allowing kids onto the area if they wanted to throw a frisbee etc.

Don Dobberstein asked if there was any way legally the Park Board could even give an easement.

Commissioner Allen indicated an agreement with the Victor Youth Athletics to leave that particular land undeveloped would suffice.

Don Dobberstein indicated the area was a nap weed eyesore, and it's purpose was for the residents of Ravalli County to utilize as a park area. He felt strongly about taking advantage of this opportunity to develop it.

Rick asked about starting to develop the field this weekend so that they could take advantage of this weather window prior to winter setting in. They want to prepare the land, put the well and irrigation pipe in and clean the drainage area so that in the spring of 97 they can do the infields.

Don Dobberstein indicated he was not in favor of an easement to Mr. Greene but an agreement that 150' feet or so of the land between Mr. Greene's house and the westerly edge of the swamp area would not be developed.

Al Olsen indicated he was in favor of leasing the park to the Victor Youth Athletics with the requirement that they not develop or infringe on this section of swamp also.

Forest indicated that this swamp should stay as a dedicated park land, just leave it un-developed, and they should approve a plan.

There was some discussion about the installation of privacy fences and the toilet facilities.

Rick indicated they would do what ever the Park Board requested of them, and that they did not have any septic permits yet but are looking to that for future plans.

Dick Green indicated he lived in the subdivision and he was not opposed to the development of the park. He did suggest that a buffer zone was needed for Jay Greene's property. Dick also indicated that due to the poor road condition of Silverbow, that equity could be served all around by forming a SID with the Athletic Club and chip sealing the road would be helpful.

Jay Greene advised the Park Board they could make the project dependant upon paving Silverbow Road.

Rick indicated the traffic would only use the front portion of Siverbow Road.

Commissioner Allen indicated the Park Board seemed to be in agreement that this land should be utilized for this purpose and that George Corn needed to look at lease conditions that are reasonable.

George indicated that was appropriate and there should be time limits set on the lease so that the Park Board could review the use of the area. George also relayed that there should be no agreement with Mr. Greene on that particular area of swamp that is to be left undeveloped. Rather the agreement should be with the Park Board and the Victor Youth Athletics.

There was some discussion as to whether the swamp area should be fenced out. Don Dobberstein felt the swamp area should not be fenced out as it was part of the dedicated public park. Kermit felt the area could be fenced off because it couldn't be developed any way.

Don and Forest both expressed the concern that by fencing this land out, it made it defacto public land. And further more it then became a part of Mr. Greene's property rather than park property.

Commissioner Warren was of the opinion that the swamp area could be fenced off with the stipulation that Jay Greene take care of it.

George indicated that the possibility of putting up the fence gives adverse ownership.

Commissioner Allen suggested that the fence could go down the property line to the draw and then move it to the west at the swamp. It would still be park ground, just that it would not be used.

Commissioner Allen made a motion that the Park Board lease the property to the Victor Youth Athletics with the stipulation that the property line will need to be fenced with the Park Board approval.

Commissioner Warren seconded the motion and all voted "aye". Motion carried.

Rick then asked if they could start on Friday the 27th of September. All members of the Park Board indicated that would be fine.

Commissioner Allen advised Rosie Huckstadt that here request for the Darby Community Center would have to wait until George Corn researched the law about the existing park monies.

Al Olsen indicated he would like to listen to Rosie's request while they waited for George's research.

Rosie thanked the Board for the previous money. She indicated they still had to fence the front, south side border and back border to make it parking friendly. They also needed a sign for the building, bringing the second request to another \$3,000.00.

Forest asked when they were going to fence the front. Rosie indicated they were waiting for Lenny Hinman to finish his fire season forestry work and then he would install it.

Al Olsen indicated the legislature could 'slap the Park Board's hands' if they wanted to and he would take that chance, but he wanted to make a motion to give them the additional money.

Al Olsen made a motion to give an additional \$3,000.00 to the Darby Civic Club so they could finish their project. Commissioner Warren seconded the motion.

Commissioner Allen advised Al they would be opening a bucket of worms by granting this request before the legal research could be done by George as to whether they could legally give money to them being inside the jurisdiction of Darby's city limits. Forest agreed with Commissioner Allen, indicating the Park Board has always done matching funds, and in this case the Park Board would be paying full pop for all things. Forest also indicated that he felt things such as the drip irrigation system could have been paid for with half the amount of money. He indicated they should back off of this vote for the time being. *

Al indicated they could make it a continuing project from the last years motion. Glenda Wiles advised Mr. Olsen that the previous years motion did not reflect this as a continuing project and was so documented in the minutes.

Don Dobberstein relayed he agreed with Commissioner Allen.

Commissioner Allen reiterated they needed to do what the law says.

Al Olsen withdrew his motion and Commissioner Warren withdrew his second.

The meeting was adjourned.